OCCUPATIONAL JUSTICE: ADA Project

A research report by

Auerbach School of Occupational Therapy,
Spalding University
and
Kentucky Commission on Human Rights
Commonwealth of Kentucky

COMMONWEALTH OF KENTUCKY
Ernie Fletcher, Governor

KENTUCKY COMMISSION ON HUMAN RIGHTS

Priscilla Johnson, Chair
Lexington

Robert Asseo
Florence

Richard E. Brown
Owensboro

Rev. Thurmond Coleman, Sr.
Louisville

Henry Curtis
Frankfort

Ann Darragh
St. Catherine

Todd Hollenbach IV
Louisville

Deborah Kent
Louisville

Anita Simmons
Hopkinsville

Regena Triplett
Pikeville

Denise Payne Wade
Louisville

Linda Strite Murnane
Executive Director

Under Kentucky Revised Statutes (KRS) § 344.190 (11), KCHR has the duty "to make studies appropriate to effectuate the purpose and policies of this chapter and to make the results thereof available to the public."

Prepared by:
Dr. Christine E. Wright, Ph.D., OTR/L
Jose Olivencia, OTS, Ellen Robertson, OTS, and Tara Sperry, OTS

Kentucky Commission on Human Rights
The Heyburn Building, Suite 700
332 West Broadway
Louisville, KY 40202
http://www.kchr.org/

Introduction

Barrier-free societal participation for people with disabilities is guaranteed by two seminal pieces of legislation: The Civil Rights Act (CRA) of 1964 and the Americans with Disabilities Act (ADA) of 1990. The CRA made provisions for public accommodations and equal employment opportunities for all Americans. The ADA made public buildings more accessible for individuals with disabilities.

Although the 42 year-old CRA and the sixteen year-old ADA profess equal opportunity for people with disabilities, barriers still exist today. According to the 2004 National Organization of Disability (NOD)/Harris Survey of Americans with Disabilities, only 35 percent of working-age people with disabilities are employed full or part-time, even though two out of three survey respondents indicated they would prefer to be working. As a result of this disparity, 26 percent of people with disabilities live in poverty as compared to only 9 percent of the general population (Hanson, 2004).

In cooperation with the Kentucky Commission on Human Rights, four researchers from the Auerbach School of Occupational Therapy at Spalding University investigated the experiences of individuals with disabilities who sought employment in the Commonwealth of Kentucky and experienced inequality in the work place. The conceptual model used for data analysis was occupational justice. Four barriers to occupational justice were considered: *occupational alienation, occupational marginalization, occupational deprivation, and occupational imbalance.* Upon completion of the research and analysis of the data, this legislative report was prepared to inform citizens of the Commonwealth of Kentucky about occupational justice.

Conceptual Framework

The elements used to frame this study emerged from the occupational science concept called occupational justice. Occupational justice is "the promotion of social and economic change to increase individual, community, and political awareness, resources, and equitable opportunities for diverse occupational opportunities which enable people to meet their potential and experience well-being (Wilcock, 1998, p.257)." Occupation encompasses all activities that make up a person's understanding of his or her life. However, for this study, the focal point was the activity of employment.

Four barriers to occupational justice were considered during data analysis. *Occupational alienation* refers to "situations in which people experience daily life as meaningless and purposeless (Wood, Hooper, & Womack, 2005, p. 380)." *Occupational deprivation* refers to "situations in which people's need for meaningful and health-promoting occupations go unmet or are systemically denied (Wood, Hooper, & Womack, 2005, p. 380)." *Occupational imbalance* refers to "situations in which sufficient variations in daily occupations needed to sustain well-being are rendered impossible due to personal or societal circumstances (Wood, Hooper, & Womack, 2005, p. 380)." *Occupational marginalization* is the "need for humans to exert micro, everyday choices about occupations", but are denied by social "normative standardization of expectations about how, when and where people 'should' participate (Townsend & Wilcock, 2004a, p. 81)."

Method

The category of inquiry for this study was phenomenology. Phenomenology is a form of qualitative research that focuses on understanding the "essence of experiences about a phenomenon (Creswell, 1998, p. 65)." However, phenomenology is an overarching term that represents different philosophies regarding the manner in which the "essence of experience" is captured. The type of phenomenological inquiry for the present study was *interpretive phenomenology*.

The philosophical understanding or "method" for interpretive phenomenology comes from the works of Martin Heidegger (1889-1976). Two primary philosophical understandings demonstrate why Heidegger's phenomenology was interpretive. First, Heidegger never proposed a formal procedure for "coding" data in interpretive phenomenology. On the contrary, Heidegger (1950/1971) was a proponent of allowing the text to speak until the interpretive "turn" (understanding) came to the researcher. "To discuss language, to place it, means to bring to its place of being not so much language as ourselves: our own gathering into the appropriation (p.190)." The rigor of Heidegger's text examination approach lies in the use of member checks and peer reviewers to sanction the interpretation provided by the researcher. Second, Heidegger (1935/1959) believed that humans are always grounded in their own history and language and cannot set aside biases:

> …for us history is not synonymous with the past; for the past is precisely what is no longer happening. And much less is history merely contemporary, which never happens but merely 'passes', comes and goes by. History as happening is acting and being acted upon which pass through the *present,* which are determined from out of the future, and which take over the past. (p. 44)

Therefore, interpretive phenomenologists attain rigor by acknowledging their personal epochs as part of their lens of interpretation.

The method of phenomenological data analysis is ultimately idiosyncratic. However, Moustakas and Polkinghorne (as cited in Cresswell, 1998) describe a series of analysis steps that are common to phenomenology. First, the original transcriptions are divided into statements. The process of dividing transcriptions into statements is called *horizonalization*. Second, the horizonalization units or groups of statements form *clusters of meanings* that are expressed in phenomenological concepts. Finally, the phenomenological concepts are grouped together to create a description of the experience with the *texture* of what was experienced and the *structure* of how it was experienced.

Data Collection and Participant Recruitment

Data was interpreted from individual semi-structured interviews of three persons with disabilities who had experienced injustice in the workplace (Vince, Charles and Betty [pseudonyms]). The semi-structured interview used to gather the participants' stories appears in Appendix A. Phenomenology presumes that every individual experiencing a particular phenomenon contributes equally to understanding the phenomenon. While the participants do not represent everyone's experience with injustice in the workplace, their experiences are representative of persons who experience injustice in the workplace by the very nature that they are persons who have experienced injustice in the workplace.

Literature Review

As occupational therapists seeking occupational justice, we believe that humans are occupational beings who participate in occupations as autonomous agents within the

interdependent and contextual frames of life in order to maintain health and quality of life (Townsend and Wilcock, 2004b). Multiple authors have called upon the discipline of occupational science and the profession of occupational therapy to create occupational justice by eliminating the barriers of occupational alienation, occupational deprivation, occupational marginalization and occupational imbalance.

Townsend and Wilcock (2004a) challenged occupational therapy clinicians, educators, managers, policy-makers, and researchers to develop critical and reflexive, rather than technical and prescriptive practices to brainstorm possible actions to develop strategies for action and change by engaging with communities and promoting occupational justice as components.

Whiteford (2000) said those most vulnerable to occupational deprivation are individuals or groups who have little or no "voice" in mainstream society. Examples of occupationally deprived groups are the unemployed, underemployed, those living in poverty, the elderly, women, prisoners, minority groups and the disabled.

In 2001, French conducted an observational study in a Melbourne, Australia nursing home. Her findings suggested that a client-centered practice in occupational therapy with a focus on occupational performance of individuals, but with no attention given to the environmental organization of practice may limit the quality of the services offered.

Therefore, French hypothesized that "occupational dysfunction such as occupational deprivation and occupational alienation, observed among residents and staff in the dependency of the nursing home, may be institutionalized." Observations by French supporting her hypothesis included little engagement between staff and residents,

vacant facial expressions of residents, and residents participating in repetitive tasks resembling operations in a factory. French's findings support the need for the elderly to have a voice in determining their occupational participation instead of being "warehoused" by rote institutional routine. French's findings also suggest that attention to the macro-environment (organizational, political, and economic systems) may assist in eliminating the occupational deprivation and occupational alienation observed in the Melbourne nursing home.

The 2004 National Organization of Disability (NOD)/Harris Survey of Americans with Disabilities reinforces French's assertion that attention to the macro-environment is crucial for arresting occupational injustice.

- Only 35 percent of people with disabilities reported being employed full or part-time, compared to 78 percent of those who do not have disabilities.
- Three times as many live in poverty with annual household incomes below $15,000 (26 percent versus 9 percent).
- People with disabilities remain twice as likely to drop out of high school (21percent versus 10 percent).
- They are twice as likely to have inadequate transportation (31 percent versus 13 percent), and a much higher percentage go without needed health care (18 percent versus 7 percent).
- People with disabilities are less likely to socialize, eat out, or attend religious services than their non-disabled counterparts.
- Not surprisingly, given the persistence of these gaps, life satisfaction for people with disabilities also trails, with only 34 percent saying they are very satisfied compared to 61 percent of those without disabilities.

In addition, a study conducted by Schartz, Schartz and Blanck (2002) reviewed the information technology (IT) literature to determine the barriers to underrepresented groups, including individuals with disabilities. The five barriers identified related to macro-environmental systems.

The first barrier was the image of the IT field. Schartz et al determined that the image of IT as "the domain for the highly educated and technical elite" kept underrepresented groups from pursuing IT careers (p. 641). The second barrier was lack of encouragement. Schartz et al emphasized the importance of visible role models from underrepresented groups as a means to attract employees from underrepresented groups. The third barrier was lack of opportunity and access. Difficulty attaining accessible technology for people with disabilities and members of underrepresented groups with few economic resources were cited as reasons that limit computer-related education. The fourth barrier was lack of appropriate skills that related to the lack of appropriate education. The fifth barrier included socioeconomic issues such as "students in under-resourced or rural areas have limited access to the educational resources that prepare them for IT careers (p. 642)."

The authors in this literature review have identified crucial elements to deciphering the keys to attaining occupational justice. However, the ultimate key to occupational justice is attitudinal adjustment. Both micro and macro-systems are made up of people. The people in a system develop and demonstrate their attitudes via political, social and economic policies. Therefore, attitudinal changes create policy changes. As Schartz et al pointed out, "employers who had hired and worked with individuals with disabilities report more favorable attitudes about disabled employees than employers without these experiences (p.644)." The intention of the following interpretations is to expose the reader to the life stories of the participants and to the realities of occupational injustice in hopes of creating space for change and movement toward occupational justice.

Interpretations

It has been said that a coward dies many times before death, but the participants in this study show us that a hero also dies many times before death when working for a life that includes occupational justice. Betty, Charles, and Vince illuminate the devastating consequences of a society that occupationally deprives, alienates, and marginalizes individuals with disabilities.

The gardener of hope in a field of occupational deprivation.

> *Occupational deprivation* refers to, "situations in which people's need for meaningful and health-promoting occupations go unmet or are systemically denied."

Betty is 74 years old, but her dreams of what she wanted to be are as fresh today as they were 40 years ago when her hearing began to decrease.

> "In fact, I wanted to be a nurse so bad, but as the hearing started going down, my girlfriend and I were going to do this together. She went ahead and became a nurse; I couldn't because my hearing loss was there."

However, Betty did not give up on acquiring meaningful occupation. Betty considered herself in a unique position in that she could relate to both the hearing and deaf worlds. Betty had a "hearing" education so she believes that she had more opportunity to participate in some form of occupation early in her life as opposed to persons who are born deaf or hard of hearing.

> "I loved doing the floral design, and I saw this advertisement that is close to my home, and I had also been to -- there was a beauty parlor on top and a floral design on the bottom. So I had been to that beauty parlor and they talked about this, and I said, 'Do you think I could try out for this?' And they said, 'Sure.'

> But then as it went along, it came down to just one person running the shop plus doing the flowers. This is where the barriers of the telephone came in, and this is where I would have to holler up the steps to pick up, 'The telephone is ringing,' or, 'It's ringing. They're waiting for you.' So I gave up on that stuff, you know."

But as Betty's hearing ceased so did her employment opportunities. Betty was "politely fired, laid off" when her hearing ceased. Betty reports that she was unable to maintain the florist job because there was not a telephone relay system to translate a customer's spoken request into a written request. Did Betty's skills as a floral designer change? No. Betty was deprived of her meaningful occupation because she required an accommodation to be successful. Betty has never had paid employment since her floral design days. Betty has successfully participated in other occupational roles such as wife, volunteer and advocate. She has given the last 40 years of her life to occupational justice for all deaf and hard-of-hearing citizens of Kentucky, but she laments the consequences of being occupationally deprived from her personal employment.

> "I mean, there's just so many barriers. I wanted to go on with my life, so I gave up on even thinking about employment. But I often think about this now. I would love to go back and do some things, like even at hospitals, but it's like -- I can't hardly explain this, but you have to pick the thing where you really do fit. I just can't say, 'This is what I want to do,' which I feel deprived once in a while because of that."

Betty's story is a powerful testament to her individual occupational deprivation, but as she continues her story, Betty reveals the occupational marginalization of the larger deaf and hard-of-hearing community. Betty informs us that marginalization shows

up as lack of access to information regarding employment and not knowing if potential employers are even open to hiring individuals with disabilities.

> "First of all, hearing outside information [about] where a job is [is impossible]. If I'm sitting with all hearing people, I have no idea about that. Okay? So if word of mouth is out there, I can't get through to that. I can get [it] through [a] computer, but everybody doesn't own a computer, to find out where jobs are. It would be nice if [the] jobs [that] are listed [indicate] that they are open to the fact of somebody who has a disability, no matter what it is, that they're open to this fact, which they have to be and they should be, but that -- at least I would be comfortable going there, because they've already started the ball rolling. Okay?"

Betty continues her story with two additional forms of marginalization in the deaf community. First, is the assumption by hearing persons that written words can be understood by deaf individuals. The fallacy in this assumption is the belief that sign language and written language are not separate languages. A similar example would be to assume that German and English are the same. Although German and English emerged from some common linguistic backgrounds, one must be able to understand each language proficiently in order to translate between the two. The hearing world does not offer this option to the deaf world.

> "Interviews, languages may be used. Because of not being able to hear, I would have to have something like this [realtime captioning] or an interpreter. They [employers] don't have any idea what this is. They have no idea about what realtime [captioning] is, so all -- it's -- it's a great big hole of barriers. Okay? So if you have to fill something out, they [deaf person] may not know how to spell

the words. They may be able to say it, but they can't spell it. I'm in that predicament myself. I hate the word penicillin. I hate that word because I keep getting messed up with that every time I go to a doctor's office."

The other form of marginalization is education. Deaf children do not receive the same education opportunities as hearing children, thus in turn, their employment opportunities as adults are limited.

"But other barriers, I think also lower educational problems with deaf people who are born, they are far behind. I don't know that you -- if you know that we have like something like 404,000 deaf people in the State of Kentucky. That's a lot of people who are out there hurting. You know, that --Lot of deprivation, lot of people taking janitor jobs, you know, boring janitor jobs, low-paying. It's not a fair situation. It's just not a fair situation when it comes to employment."

The title of this interpretation is *gardener of hope in a field of occupational deprivation.* Betty has spent 40 years cultivating and growing hope in the deaf and hard-of-hearing community by advocating for occupational justice. However, one more story demonstrates Betty's gift of hope and the self-deprivation hearing individuals impose on themselves when they ignore the unique talents of someone who is disabled.

"I have a volunteer job, something that all three of you could not do. I go to the hospital and read the lips of people who have trachs [tracheotomy]. I don't get paid for that job. I haven't been paid for jobs for so long. It's been, you know, a while. But volunteer wise, that's a job that, because of my ability, being able to read lips, people who have trachs can't talk, and so maybe they want to communicate with their family, or they want to know what happened when the

accident took place. One man that I took care of, I know his baby died. He didn't know where that baby was buried or where it was. He couldn't get that question through. And so I was able to tell those people, to the best of my ability, you know, what was -- what were the questions that he wanted answered. So that's something."

The blind leading the blind: A story of occupational alienation

> *Occupational alienation* is, "situations in which people experience daily life as meaningless and purposeless."

The eye disease Retinitis Pigmentosa blinded Charles [pseudonym] when he was a young adult. Charles' vision began to diminish in high school and worsened throughout his years at the University of Louisville (U of L). Although requiring many more hours to complete his work than a non-visually impaired student, Charles finished his career at U of L with two degrees. Charles graduated with honors earning one degree in Human Services and another degree in Criminal Justice Administration despite struggling with the physical, emotional, and psychological adjustments that accompany a progressive disability. After graduation, Charles embarked on an employment search that immediately presented challenges.

"And my experiences were in finding out that I went through and graduated with honors from school and stuff and then I was very much a controlled environment at school. Kinda artificial and that never really ah, allowed me to fully understand how life would be upon graduation. And after graduating I had to deal with the agency. I think that what was really tragic probably a little bit challenging for me was to think that the Department for the Blind kind of set me up in jobs without

any awareness or understanding of low vision equipment and system technology at the time."

However, Charles did not concede defeat. Charles' inner being and upbringing drove his desire to work.

> "So I guess I at that time I became known as being a troublemaker to a certain extent because I really wanted to work. My mother was a teacher, and all us, all her kids and stuff …she always encouraged us to really achieve higher heights and go on …willing to work and something. And I had to go to work everyday. So I always wanted to work and continue to work not be I guess classified as the typical disabled person with SSI check or a social security check for the rest of my life."

But a disabled person's vision of himself can often conflict with society's understanding or misunderstanding of the disabled person's capacities. The term disability can create a focus on what a person cannot do as opposed to what he can do. Charles describes the emotional alienation associated with an incongruent vision.

> "I guess one of the greatest barriers that I remember in dealing with that whole set of circumstances was the fact that the Department for the Blind seemed to treat clients including myself at the time as though if we were not successful and didn't meet our job goals or gainful employment opportunities, somehow it was our fault. And we became victims not only of our particular disease or disability, but we also became victims of being victimized twice by the extent of somehow it blames us because their measure of success is ah is closures within the Department for the Blind or Voc. Rehab is to close cases not necessarily whether

the person is you know fully and gainfully employed."

The inner drive to be employed and not end up on welfare motivated Charles to continue to press the Department for the Blind to find him a job.

> "…because I was raising so much [deleted], they got me a job down at the… this workshop that was run and owned by the State of Kentucky at the time and it was out on the Brownsboro Road area, they called it Kentucky Industries for the Blind. And I tell you to be honest with you it was ah… it was kind of a feeling that I felt different in two aspects is because I felt like you know hey I went through all this school and struggled and studied all the time and met all those challenges. Why should I have to be here and get a job being a blind industry laborer in this facility? But at the same time I wanted to work. And so I was challenged with those mixed emotions and feelings. And because I was raising concerns and questions about not being employed and pushing these guys and counselors to do their jobs and to try to be helpful to me upon graduation, but this was the best that they could do for me."

Charles initial reaction to the blind industry job was a pragmatic "Here for a while until things shake out," assessment he said. "And the position that I refused to take was to accept that it was like going to prison and that that was going to be where my life ended." However, Charles faced a more sobering assessment from his fellow workers.

> "It's like typically a lot of what a lot of older blind people told me …'this is the way it is for blind people. That there's not a lot of opportunities. You have to realize that. That this is the way that life is for you. I mean I don't care how much education you get, there are not a lot of opportunities for us.' And they kind of

taunted me with the fact that I had went to school and ---'even though you went to school and got all these degrees, this is where you are. This is where you're going to be. You're never going to provide you opportunities to be successful or go out and pursue your field and do what you would like to do to be successful.'"

Unfortunately, the co-worker's prognostications came true. Charles painfully recalls the moment when powerlessness emerged.

"I guess the first couple of years I really felt like they were wrong. They didn't know what they were talking about, you know. They've been working down in this factory. There ain't no way they'd know, you know, I'd been out to school. I'd done all this stuff, read all these books and seen how they work and **…**and ah, all these bright opportunities. But I guess it's just like a guy being locked up in penitentiary. I don't care- after 6 or 7 years of being incarcerated I mean you kind of become I guess I can kind of parallel it with being institutionalized. After a while I was just looking for a way to mentally survive with myself in that environment. And I think the… What I finally you know when I looked around the experience of existing and the factory environment and having managers and stuff… it troubled me because the majority of the people even though you had blind people and the majority of the people working in there were visually impaired or blind, they can never move on. The majority of blind people will never be advantaged or move up to management… couldn't manage other blind people and nor could you do anything administratively within that facility to do anything. I mean as far as having aspirations to make more money and have the flexibility to move to other places within the facility. And most of the people

> down there started out at probably about $3.92 an hour, probably capped out about 8 or 9 bucks and that's what they're going to make the rest of their lives. So if you didn't receive any type of SSI or SSDI you were going to be impoverished forever."

Charles worked for the blind industry for 17 years.

Charles' story reveals for us the political equivalent of "turning a blind eye." Helping those who are less fortunate became an exercise in closing case files with any employment instead of focusing on meeting a client's goal of acquiring meaningful employment. Charles may have been technically "employed", but the outcome was one of isolation, powerlessness, frustration, loss of control, estrangement from society and self as a result of engagement in occupations that do not satisfy inner needs; a true story of occupational alienation.

With a little help from my friends: Occupational marginalization denied.

> *Occupational marginalization* is "the need for humans to exert micro, everyday choices about occupations," but are denied by social "normative standardization of expectations about how, when and where people 'should' participate."

The phrase "It takes a village" was never truer than for our participant Vince [pseudonym]. Vince is legally blind, partially sighted with corrected vision of 20/400. Vince spent most of his early adult years seeking work in factories and warehouses. Many potential employers would not hire Vince because of his vision impairment so Vince employed his own personal strategies to circumvent hiring barriers.

> "Much of my life I got jobs and I've been a factory worker, a warehouseman and other… much of my life. I would not get hired because of my vision or the lack thereof more clearly. And so I would get somebody of similar height and weight

to me, that looked like me, to take a physical for me. Or I would go into the medical department of a large industrial plant or what have you, and memorize the eye charts…commit them to memory. Or if necessary, I would pay somebody off, a nurse or somebody in the medical office."

Ultimately, Vince took a state employment service test for dexterity and passed it. Vince then filled out the corresponding applications and was soon called by an employer.

I got a call from a major corporation one of the manufacturers in the Fortune 500. And they said, 'Well, you can't have day shift. You don't have the seniority. But we can offer you second or third shift, and we want you to come in and fill out the insurance forms.' So the unspoken assumption to me was that I was hired [after] they…checked out my references, and contingent upon passing a physical. So I took the physical, obviously I didn't pass the physical. That was on a Friday, July of 1975. On Monday, I called up and I was told I didn't pass the physical. I called the medical office and I said 'Can I speak to the doctor? I spoke with a nurse. [I] said 'I'd like to know why I didn't pass the test, could you please tell me?' And she's says, 'just a moment'. She spoke to the doctor and the doctor and verified and said 'We can't hire anybody with vision that bad.' And I said 'thank you very much' and hung up.

However, Vince was not done fighting. The next step was to move away from his individual efforts and engage the legal community.

"I had been involved with the civil rights movement in Mississippi and Georgia during the 1960's and fought quite hard for the rights of all nationalities that came to be part of the so called American dream. And, in the '70's, like around 1972 or

> ’73, I said ‘Vince what’s wrong with you? You’re fighting for everybody else and not fighting for yourself.’ And I knew a good bit about research, but I knew nothing about legal research. But I got me a book on how to do legal research. I went to the University of Louisville Law Library and I poured over statutes and I found a law called Public Law 93, Volume 12 subsection 503, which basically said that any company that does business with the federal government as a contractor or a subcontractor cannot discriminate against a person with disability, furthermore must make what they call reasonable accommodations to perform in the parameters of said disability.”

The next step Vince took was to file a complaint with the United States Department of Labor (USDL) and the Office of Federal Contract Compliance (OFCC). After a year and a half wait, all parties agreed to a 30-day trial work period with the necessary accommodations culminating in full employment plus 18 months of back superiority if Vince was deemed satisfactory. Although the legal community had expanded Vince’s cache of allies, he would need one more community to complete his journey into meaningful employment.

> “Vince’s trial work period began sans one condition – no accommodation.
>
> Yes. It was a very simple accommodation. They would not do anything to help me. And so if I banged my head against a piece of machinery, I knew not to do it again. That was the accommodation. They did nothing. Not withstanding all these laws, all this fighting, zero.”

However, an unexpected group of allies emerged.

"I'll tell you an accommodation that was made for me by the workers though which I'll never forget as long as I live. The first day that I was there, a woman came up to me and she says, 'Give me your telephone number.' I said….well a coworker, I didn't know what this was about. And I was not married and she was attractive. And I didn't know. I said 'May I ask what this is for?' She says, 'Well you can't be late for the first 30 days. And I'm going to call you every morning to make sure you're up.' The next day, this woman and and two others came up and she said 'I want you to meet us there.' I was on day shift at the time and I didn't have seniority for day shift then. Because this was a special trial work period, they'd put me on the day shift so all these big shots could scrutinize me. Anyway, she said, 'at 3 o'clock we want you to come up to a particular floor in the building in the back.' And I didn't understand what that was…they had set up a mini assembly line for me – about four or five people and they said 'We want to show you how to do this with your hands even though you might not be able to see it.' And I started to cry and so that was the only accommodation I ever had. And it had nothing to do with the company enforcing the law. It had to do with the people being decent human beings."

Twenty-four years later Vince retired as a "satisfactory" employee.

"But the fact that I was able to be there for so long a period of time was that people got used to it. They got used to me. In the beginning I was a freak.

I mean I was somebody different. Let's see what this guy's all about. Everybody's watching me. I couldn't scratch without some supervisor writing it down. Giving me an occupational expert from the company. And I'm not paranoid. Paranoid is

the fear of the unknown. This is the real. Once, again, once I was to demonstrate that I could perform the job with accommodation, I was accepted."

Acceptance for many individuals who are disabled comes at a high price. An individual's strength to fight the attitudinal and political barriers is often not enough. A community of allies who can see past the disability, discover the person behind society's labels, and believe in the possibilities has become an indispensable part of fighting for occupational justice.

Summary

The purpose of this study was to investigate the four barriers to occupational justice and to identify how the barriers manifest within the lives of individuals with disabilities who seek employment. Three individuals, two with visual impairments and one with a hearing impairment, participated in the study. Analysis of the data revealed the existence of occupational alienation, occupational marginalization, occupational deprivation and occupational imbalance. All of these barriers to occupational justice were embedded in each participant's story, but some barriers were more prominent than others and were highlighted in the interpretations.

Limitations of the study include the low number of participants and the minimal application to other individuals' experiences. The number of participants in all phenomenological studies is deliberately small in order to capture the richness of each participant's story. However, future phenomenological studies should be conducted in order to develop patterns of the themes identified in this study.

The limited application of an individual's experiences is the nature of all phenomenological studies. Phenomenology requires that one explores each person's

understanding of an event. However, each participant's story from this study is a worthy account of occupational injustice in Kentucky.

Detrimental attitudes and prejudices toward individuals with special needs are historically pervasive among local, state, and national levels and in social, economic, and political systems. This study demonstrates how these can present real barriers to people with disabilities who want to be viable and contributory employees and taxpayers in Kentucky economies. The goal of this study is to inform employers that persons with disabilities can and want to work; to inform disability access workers that individuals are more likely to thrive when their occupations are meaningful; to inform legislators that policies that increase access for all people are better for Kentucky communities and the state's economic development; and finally to persuade the non-disabled public that by including individuals with disabilities into the working environment, they can contribute to the overall productivity and occupational well-being of themselves as well as others.

References

Creswell, J.W. (1998). *Qualitative Inquiry and Research Design: Choosing Among Five Traditions.* Thousand Oaks, CA: Sage.

French G. (2001). Challenging the role of occupational therapist in clinical

practice: an environmental perspective. *Australian Occupational Therapy Journal*, 48,176-180.

Hanson, K. (2004, June 10). National Organization on Disability/Harris Survey of Americans with Disabilities. *National Organization on Disability.* Retrieved July 24, 2006, from http://www.nod.org/Resources/harris2004/harris2004_data.doc .

Heidegger, M. (1959). *An Introduction to Metaphysics* (R. Manheim, Trans.). New Haven: Yale University Press. (Original work published in 1935)

Heidegger, M. (1971). *Poetry, Language, Thought* (A. Hofstadter, Trans.). New York: Harper & Row. (From the lecture entitled "Language" originally given on October 7, 1950)

Schartz, K., Schartz, H. & Blanck (2002). Employment of persons with disabilities in information technology jobs: literature review for "IT Works." *Behavioral Sciences and the Law*, 20, 637-657.

Townsend, E. (1997). Inclusiveness: a community dimension of spirituality. *Canadian Journal of Occupational Therapy*, 64, 146-155.

Townsend, E. (1999). Enabling occupation in the 21st century: making good intentions a reality. *Australian Occupational Therapy Journal*, 46, 147-159.

Townsend, E. & Wilcock. (2003). Reflections on power and justice in enabling occupation.*Canadian Journal of Occupational Therapy*, 70, 74-87.

Townsend, E. & Wilcock, A.A. (2004a). Occupational justice and client-centered practice: Dialogue in progress. *Canadian Journal of Occupational Therapy*, 71,

75-87.

Townsend, E. & Wilcock, A.A. (2004b). Occupational justice. In C. Christiansen & E. Townsend (Eds.), *Introduction to occupation: The art and science of living* (pp. 243-273). Upper Saddle River, NJ: Prentice Hall.

Whiteford, G. (2000). Occupational deprivation: global challenge in the new millennium. *British Journal of Occupational Therapy,* 63, 200-205.

Wilcock, A.A. (1998). *An occupational perspective of health.* Thorofare, NJ: SLACK Incorporated.

Wood, W., Hooper, B. & Womack, J. (2005). Reflections on occupational justice as a subtext of occupation-centered education. In F. Kronenberg, S. S. Algado, & N. Pollard (Eds.), *Occupational therapy without borders: Learning from the spirit of survivors* (pp. 378-389). Philadelphia, PA: Elsevier.